

34 Area #1 by the Improvement Area #1 Assessments, and the penalties and interest on
35 annual installments and on delinquent annual installments of the Improvement Area
36 #1 Assessments.

37 (F) The City Council closed the hearing, and, after considering all written and
38 documentary evidence presented at the hearing, including all written comments and
39 statements filed with the City, if any, determined to proceed with the adoption of
40 Ordinance No. 20180823-073 (the “Assessment Ordinance”) in conformity with the
41 requirements of the Act.

42 (G) There were no written objections or evidence submitted to the City Clerk in
43 opposition to the 2018 Addendum, the allocation of Improvement Area #1 costs, the
44 Improvement Area #1 Assessment Roll, or the levy of the Improvement Area #1
45 Assessments.

46 (H) The City Council approved and accepted the 2018 Addendum in conformity with
47 the requirements of the Act and adopted the Assessment Ordinance for Improvement
48 Area #1.

49 (I) The City Council found and determined that the Improvement Area #1 Assessment
50 Roll and the 2018 Addendum should be approved and that the Improvement Area
51 #1 Assessments should be levied as provided in the 2018 Addendum and the
52 Improvement Area #1 Assessment Roll.

53 (J) Because of an administrative error, Exhibit A and Exhibit B to the Assessment
54 Ordinance, each of which was approved by the Assessment Ordinance, contained
55 contradictory information relating to the Improvement Area #1 Assessment Roll.

56 (K) On August 23, 2018, the City Council levied assessments on Improvement Area #1
57 in conformity with the Act and as provided in the Improvement Area #1 Assessment
58 Roll attached as Appendix B-1 to the 2018 Addendum. The Improvement Area #1
59 Assessment Roll provides for amounts sufficient to complete the Authorized
60 Improvements that were identified in the notice described in Part 1(D) above.

61 **PART 2. ASSESSMENT ROLLS.**

62 Pursuant to Section 372.016 of the Act, the Improvement Area #1 Assessment Roll,
63 a copy of which is attached as Exhibit A and incorporated for all purposes, was accepted
64 and updated as the assessment roll of Improvement Area #1.

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66 **PART 3. LEVY AND PAYMENT OF ASSESSMENTS FOR COSTS OF**
67 **IMPROVEMENT PROJECT.**

68 (A) The City Council ratifies and confirms the assessment on each tract of property
69 located within Improvement Area #1, as described in the 2018 Addendum and the
70 Improvement Area #1 Assessment Roll, in the respective amounts shown on the
71 Improvement Area #1 Assessment Roll, as a special assessment on the properties set
72 forth in the Improvement Area #1 Assessment Roll.

73 (B) The levy of the Improvement Area #1 Assessments was effective on the date of
74 execution of the Assessment Ordinance, and the Improvement Area #1 Assessments
75 were levied strictly in accordance with the terms of the 2018 Addendum.

76 (C) The collection of the Improvement Area #1 Assessments shall be as described in the
77 2018 Addendum.

78 **PART 4. INCORPORATION OF FINDINGS AND DETERMINATIONS.**

79 The findings and determinations of the City Council in Part 1 of this Ordinance are
80 incorporated for all purposes.

81 **PART 5. SEVERABILITY.**

82 If any provision of this Ordinance or its application to any person or circumstance is
83 held to be invalid, the remainder of this Ordinance and the application of the provision to
84 other persons or circumstances shall be valid, and the City Council declares that this
85 Ordinance would have been enacted without the invalid provision.

86 **PART 6. GOVERNING LAW.**

87 This Ordinance shall be construed and enforced in accordance with the laws of the
88 State of Texas and the United States of America.

89 **PART 7. EFFECTIVE DATE.**

90 This Ordinance is passed on one reading as authorized by Texas Government Code
91 Section 1201.028, and shall be effective immediately upon its passage and adoption.

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95 **PASSED AND APPROVED:**

96
97
98 _____, 2019

§
§
§ _____

Steve Adler
Mayor

100

101 **APPROVED:** _____

ATTEST: _____

102 Anne L. Morgan
103 City Attorney

Jannette S. Goodall
City Clerk

DRAFT